

By: _____ B. No. _____

Substitute the following for _____.B. No. _____:

By: _____ C.S._____.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to performance standards for certain aboveground storage
3 tanks.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 26.341(b), Water Code, is amended to
6 read as follows:

7 (b) The legislature declares that it is the policy of this
8 state and the purpose of this subchapter to:

9 (1) maintain and protect the quality of groundwater
10 and surface water resources in the state from certain substances in
11 underground and aboveground storage tanks that may pollute
12 groundwater and surface water resources, including during
13 accidents, fires, explosions, hurricanes, floods, and events for
14 which the governor declares a state of emergency; and

15 (2) require the use of all reasonable methods,
16 including risk-based corrective action, to implement this policy.

17 SECTION 2. Section 26.344(f), Water Code, is amended to
18 read as follows:

19 (f) An aboveground storage tank that is located at or is
20 part of a petrochemical plant, a petroleum refinery, an electric
21 generating facility, or a bulk facility as that term is defined by
22 Section 26.3574(a) ~~[of this code]~~ is exempt from regulation under
23 this subchapter but is not exempt for purposes of the fee imposed
24 under Section 26.3574 or the performance standards adopted under

1 Section 26.3442 [of this code].

2 SECTION 3. Subchapter I, Chapter 26, Water Code, is amended
3 by adding Section 26.3442 to read as follows:

4 Sec. 26.3442. PERFORMANCE STANDARDS FOR CERTAIN
5 ABOVEGROUND STORAGE TANKS. (a) This section applies only to
6 aboveground storage tanks described by Section 26.344(f).

7 (b) The commission shall adopt performance standards for
8 existing aboveground storage tanks and aboveground storage tanks
9 brought into use on or after the effective date of the standards.

10 (c) The performance standards for aboveground storage tanks
11 must include specific standards for:

12 (1) tanks in areas prone to flooding, storm surges,
13 and hurricanes, including:

14 (A) the need to anchor the aboveground storage
15 tanks and ancillary piping;

16 (B) the use of geodesic dome roofs, where
17 appropriate; and

18 (C) the use of internal floating roofs and
19 associated drains, where appropriate; and

20 (2) accident, fire, and explosion safety, including:

21 (A) the appropriate use of containment walls to
22 avoid breaches;

23 (B) the use of appropriate water and water
24 pressure; and

25 (C) the implementation of preventive maintenance
26 programs for storage tanks containing flammable liquids.

27 (d) The commission by rule shall allow for a reasonable

1 period of time for existing aboveground storage tanks to comply
2 with the standards adopted under this section.

3 SECTION 4. The heading to Section 26.347, Water Code, is
4 amended to read as follows:

5 Sec. 26.347. UNDERGROUND STORAGE TANK STANDARDS.

6 SECTION 5. As soon as practicable after the effective date
7 of this Act, but not later than August 1, 2021, the Texas Commission
8 on Environmental Quality by rule shall adopt the standards as
9 required by Section 26.3442, Water Code, as added by this Act.

10 SECTION 6. The Texas Commission on Environmental Quality is
11 required to implement a provision of this Act only if the
12 legislature appropriates money specifically for that purpose. If
13 the legislature does not appropriate money specifically for that
14 purpose, the commission may, but is not required to, implement a
15 provision of this Act using other appropriations available for that
16 purpose.

17 SECTION 7. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2019.